IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

MACA.No. 1695 of 2007

OPMV.2396/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM

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APPELLANT/PETITIONER IN OP(MV):

MRS. LATHIKA, AGED 38,
W/O.SASIDHARAN,SREE BHADRA VEEDU,PUTHUVASSERY KARA
KULAYETTIKKARA, KANJIRAMATTOM, ERNAKULAM DISTRICT.

BY ADV. SRI.T.K.RADHAKRISHNAN

RESPONDENTS: RESPONDENTS IN OP(MV):

1. SRI. BABU,
KARACHUVATTIL VEEDU, THOTTARAKARA,
KULAYETTIKKARA P.O.

2. T.K. SREEKUMAR,
KIZHAKKETHEYIL HOUSE, KULAYETTINKARA P.O.

3. NATIONAL INSURANCE CO. LTD.,
M.G. ROAD, COCHIN.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.A.C.A.No.1695 OF 2007

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Dated this the 24th day of September, 2007

JUDGMENT

Radhakrishnan, J

This appeal is preferred by the claimant claiming enhancement of compensation. Accident occurred on 21.8.99. Petitioner claimed Rs.1,50,000/- as compensation. Tribunal awarded Rs.35,000/-. No oral evidence was adduced. From the available materials on record, Tribunal held that the accident in question occurred solely on account of rash and negligent riding of the scooter by the 1st respondent of which the claimant was a pillion rider. The insurance policy issued to the vehicle is "Act only" policy which did not cover the pillion rider. Therefore insurance company was therefore exonerated of the liability. In our view the compensation awarded is just and proper, warranting no interference.

Appeal lacks merit and the same is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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